



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,739	03/18/2004	Bao Tran	AFL-016	8291
31688	7590	08/29/2010		
TRAN & ASSOCIATES P.O. Box 68 Saratoga, CA 95071-0068			EXAMINER SKINNER, SHEWANA D	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 08/20/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/804,739

Applicant(s)

TRAN, BAO

Examiner

SHEWANA SKINNER

Art Unit

3689

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 July 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689

/SHEWANA SKINNER/
Examiner, Art Unit 3689

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues 1) Rivette fails to disclose Applicant's proposed amended claims 19-20 limitation "IPs required to provide freedom to operate" where said language is recited in the proposed amendments from 7/7/2010 that are not being entered. 2) Applicant states that Grainger fails to disclose "and displaying the deadline based on a download file wrapper document " however, said language is not recited in the claims. 3) Applicant states that Grainger fails to show specifics of the dependent claims 2-12 and 14-17. However Applicant fails to show what elements are not disclosed. 4) Applicant transverse the determination of "mail-room date " and document description" as non-functional descriptive material. However the final action on 4/4/2010 does not use non-functional descriptive in the rejections of the claims 4, 5, 6, and 9 which are the claims that contain the said phrases. 5) Applicant states that Grainger2 does not disclose Claims 19-22 limitations "IPs to an owner of a predetermined IP" and "displaying IPs infringed by the owner of the predetermined IP" where said claims are, per the final action on 4/14/2010, stated as disclosed by Rivette not Grainger2 and the limitation "displaying IPs infringed by the owner of the predetermined IP" is not recited in either the previously presented claims or currently proposed amendments. 6) Applicant argues that PAIR uses the aa and bbbbbb of the patent application number in order to locate a document where applicant is claiming to use only the bbbbbb. Examiner finds the statement unpersuasive as an argument to overcome the prior art in that Applicant's Claim 23 uses the bbbbbb code and Claim 24 uses the aa code, therefore it is simply a matter of sequence where the outcome is the same. 7) Applicant claims the file download in claims 22-23 is done automatically by the computer programmed in accordance with the invention without manual operator intervention, where said automatic language is not recited in the claims and Applicant's invention not would be distinguished from the prior art simply because of Applicant's use of the word "automatically" because it has been reasoned that a process may be automatic even though a human initiates or may interrupt.